

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW HAMPSHIRE

ELAINE L. CHAO, Secretary of Labor, *
United States Department of Labor, *
*
Plaintiff, *
* CIVIL ACTION
*
v. *
* FILE NO. 1:06-cv-163-SM
*
RICHARD E. LANDRY, SR., in his individual *
capacity, and d/b/a Landry Architects, *
*
Defendant. *

CONSENT JUDGMENT AND ORDER

Defendant Richard E. Landry, Sr., in his individual capacity, and d/b/a Landry Architects ("Landry") and Plaintiff Elaine L. Chao, Secretary of Labor, United States Department of Labor (the "Secretary"), have agreed to fully and finally resolve all matters in controversy in this action, including the assessment of any penalty pursuant to ERISA Section 502(l), 29 U.S.C. Section 1132(l), and said parties do now consent to the entry of a Judgment and Order by this Court in accordance therewith.

A Second Amended Complaint was filed on June 1, 2006. Defendant Landry waived the requirements of Rule 4, Federal Rules of Civil Procedure, as to service of summons, and acknowledged receipt of Plaintiff's Complaint on June 28, 2006. Defendant filed an Answer on July 20, 2006. By consenting to this Order, Defendant has admitted to the jurisdiction of this Court over him and over the subject matter of this action.

Apart from admitting personal and subject matter jurisdiction, Defendant neither admits nor denies any violation of Title I of ERISA, and it is understood that this Consent Judgment does not constitute an adjudication upon the merits regarding the above-referenced matters, nor does it constitute an admission or denial of any violation of Title I of ERISA.

Defendant Landry hereby agrees to pay \$10,000.00 to the U.S. Department of Labor, consistent with a separate ERISA § 502(l) settlement agreement entered into between the Secretary and Landry.

The parties have expressly waived findings of fact and conclusions of law and have consented to entry of this Consent Judgment and Order as a full and complete resolution of all claims and issues arising between them in connection with this Action without trial or adjudication of any issue of fact or law on the basis set forth herein.

Now therefore, by consent of the parties hereto,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Within sixty (60) days of the date of entry of this Judgment and Order, Defendant Landry shall resign from serving as trustee and fiduciary to the Landry Architects Profit Sharing Plan (the "Plan"). Defendant Landry shall retain the services of a disinterested institutional trustee to serve as fiduciary of the Plan. All fees related to these services, and all other plan expenses, may be paid by the Plan, to the extent permitted by the Plan documents.

2. Defendant Landry shall pay to the Plan the amount of \$100,000.00. Payment shall be made in accordance with the following installment schedule:

For Plan Year 2007: \$33,333.33 shall be paid on or before April 15, 2008;

For Plan Year 2008: \$33,333.33 shall be paid on or before April 15, 2009;

For Plan Year 2009: \$33,333.34 shall be paid on or before April 15, 2010; These monies shall be deposited with the Plan in a manner consistent with the terms of the applicable Plan documents, for the designated Plan years, and shall be allocated to individual plan participant accounts in the amounts as set forth in Exhibit A, attached hereto. In the event any Plan participant ceases employment with Landry Architects, prior to the date any of the above payments is made into the Plan, Landry agrees to accelerate payment into the plan of the balance of the amount due that particular Plan participant if that participant chooses to roll over the full amounts of his/her account balance into an IRA account or any other similarly qualified account.

3. Defendant Landry shall submit proof of the above payments (by canceled checks) and of their proper allocation to individual participants' accounts, to the Employee Benefits Security Administration, no later than thirty (30) days after each payment is made. Such proof shall be sent to the following address:

James M Benages, Regional Director
Employee Benefit Security Administration
U.S. Department of Labor, J.F. Kennedy Federal Building,
Room 575
Boston, MA 02203

4. This Consent Judgment and Order fully and finally resolves all matters in controversy in this action, as well as any claims or allegations that were asserted or could have been asserted between the parties to this Action relating to the Plaintiff's investigation that gave rise to the Complaint in this matter, including but not limited to allegations regarding Landry's role as a fiduciary to the Plan in connection with his dealings with Bradford Bleidt.

5. Each party shall bear its own fees and expenses, including attorneys' fees, with respect to this action.

6. This Consent Judgment and Order shall be binding upon the successors, assigns, affiliates, representatives, officers, employees and agents of the parties.

7. Nothing in this Consent Judgment and Order is binding on any governmental agency other than the United States Department of Labor.

IT IS SO ORDERED THIS 2nd day of January, 2008.

/s/ Steven J. McAuliffe
Chief Judge
United States District Court

Consented to by:

For the Plaintiff, Elaine L. Chao, Secretary of Labor:

Jonathan L. Snare
Acting Solicitor of Labor

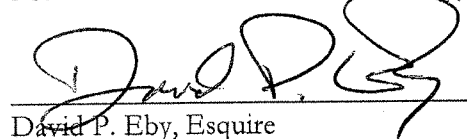
Frank V. McDermott, Jr.
Regional Solicitor

Gail Glick /MDF
Gail Glick
Trial Attorney

12/10/07
Dated

U.S. Department of Labor
Office of the Solicitor
John F. Kennedy Federal Building
Room E-375
Boston, MA 02203
TEL: 617-565-2500
FAX: 617-565-2142

For the Defendant Richard E. Landry, Sr.:

A handwritten signature in black ink, appearing to read "David P. Eby", written over a horizontal line.

David P. Eby, Esquire
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03101
603-669-1000

12/10/07
Dated